D.B.CIVIL SPECIAL APPEAL NO. 887/2006
Smt. Dropadi Avasthi v. State of Rajasthan & ors.

Date of order : 21.05.2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR

Shri Rajendra Kothari for the appellant

The dispute in this special appeal arising from the order of the learned Single Judge dated 24.8.2006 in S.B.Civil Writ Petition no. 4083/2002 relates to release of second selection grade on completion of eighteen years of service in terms of circular dated 25.1.1992.

By the order impugned the learned Single Judge held that the order dated 11.5.2000 which was subject matter of challenge in the writ petition whereby mistake in fixation of pay had been rectified was in accordance with law. The learned Judge however did not approve the other part of the order directing recovery of Rs. 38,329/- and thus partly allowed the writ petition of the appellant to that extent. Not satisfied, the appellant has come in appeal to the Division Bench.

Brief facts of the case are that the appellant was appointed on the post of Teacher Gr.III on 3.8.1938. On 2.7.1975 she was promoted as Teacher Gr.II. On 2.7.1990 she was granted selection grade on completion of fifteen years of service (reckoned from the date of promotion as Teacher Gr.II) in terms of the then existing circular. On 25.2.1995 she was promoted as Senior Lecturer. It is relevant to mention here that the said promotions on the posts of Teacher Gr.II and Senior Lecturer were substantive promotions.

On 25.1.1992 the State Government issued a circular providing for selection grades at three stages – on completion of nine, eighteen and twenty seven years of service respectively. The object apparently was to remove stagnation in service by providing monetary benefit of higher scale where the person has not earned promotion and stagnated on the post/ grade for want of posts. In the instant case, the appellant got substantive promotions on the post of Teacher Gr.II and Senior Lecturer. The question is whether she was entitled to second selection grade on completion of eighteen years of service. It is to be kept in mind that she had already been granted selection grade on completion of fifteen years of service on the post of Teacher Grade II as she had not been able to earn further promotion during intervening period. Meanwhile she got promotion on the post of Senior Lecturer and in our opinion she cannot claim grant/release of so called second selection grade on completion of eighteen years of service. In the circumstances, the order of the learned Single Judge upholding the decision of the State Government cannot be said to be erroneous to warrant interference by the Division Bench.

Appeal is dismissed.

mathur/ (GOVIND MATHUR)J. (S.N.JHA), C.J.